

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Civil Action No.: 1:19-CV-1238-ADA

JURY TRIAL DEMANDED

**JOINT MOTION TO AMEND THE PARTIES' AGREED SCHEDULING ORDER**

**COME NOW**, Plaintiff Fintiv, Inc. (“Fintiv”) and Defendant Apple Inc. (“Apple”), and hereby respectfully submit this Joint Motion to Amend the Parties’ Agreed Scheduling Order (the “Joint Motion”).

On April 9, 2020, in response to potential scheduling difficulties related to the COVID-19 virus, this Court entered a Standing Order Regarding Post-*Markman* Patent Cases (the “Standing Order”). [Dkt. No. 122]. The Court’s Standing Order recognized the increased difficulties associated with preparing for a patent trial amid the COVID-19 virus. *Id.* As such, the Court Standing Order outlined an approach to alleviate these difficulties. *Id.*

The *Markman* hearing for this case occurred on November 7, 2019. [Dkt. No. 82]. By way of this Joint Motion, Fintiv and Apple request that the Court enter the attached Amended Agreed Scheduling Order,<sup>1</sup> which contains reasonable adjustments to the Parties’ Agreed Scheduling Order. [Dkt. No. 38].

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<sup>1</sup> In addition to the proposed Amended Agreed Scheduling Order attached to this Motion, the Parties have also attached (as “Exhibit A”) an Amended Agreed Scheduling Order which compares the agreed proposed dates to the dates in the current Scheduling Order.

For the foregoing reasons, Fintiv and Apple pray that the Court grant this Joint Motion and enter the attached Amended Agreed Scheduling Order.

Dated: April 23, 2020

Respectfully submitted,

/s/ J. Stephen Ravel

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**Attorneys for Plaintiff, FINTIV, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on April 23, 2020 all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ J. Stephen Ravel  
J. Stephen Ravel